

By Murray

H.B. No. _____

1139

A BILL TO BE ENTITLED
AN ACT

requiring the Texas Water Rights Commission or its designated agents to investigate the feasibility of fresh water supply district projects financed by bond issues; containing a severability clause; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The Texas Water Rights Commission shall be and is constituted a commission to investigate and report upon the organization and feasibility of all fresh water supply districts created pursuant to Article 7881, et seq., Revised Civil Statutes of Texas, 1925, which shall issue bonds under the provisions thereof. All such districts desiring to issue bonds for any purpose shall submit in writing to the commission an application for investigation, together with a copy of the engineer's report and a copy of data, profiles, maps, plans, and specifications prepared in connection therewith. The commission or its designated agents shall examine same and shall visit the project and carefully inspect the same and may ask for and shall be supplied with additional data and information requisite to a reasonable and careful investigation of the project and proposed improvements. They shall file in their office in writing their suggestions for changes and improvement and furnish a copy thereof to the board of directors of such district. If the commission shall finally approve or refuse to approve such project, or the issuance of bonds for such improvements, they shall make a full written report thereon, file same in their office and furnish a copy of same to the board of directors of said district. During the course of construction of such project and improvements, no substantial

CE 5-23-69
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alterations shall be made in the plans and specifications without the approval of the commission. The commission or its designated agent shall have full authority to inspect the works of improvement at any time during construction to determine if the project is being constructed in accordance with the plans and specifications approved by the commission. In the event the commission finds that the project is not being constructed in accordance with the approved plans and specifications, then the commission immediately shall notify in writing by certified mail each member of the board of directors of such water district and its manager, if there be one. If, within 10 days after the notice is mailed, the directors of the district do not take steps to insure that the project is being constructed in accordance with the approved plans and specifications, the commission shall give written notice of that fact to the attorney general. When the attorney general receives this notice, he may bring an action for injunctive relief, or he may bring quo warranto proceedings against the directors. Venue for either of these actions is exclusively in the District Court of Travis County. "Designated agent," as used in this section shall mean any licensed engineer selected by the commission to perform the functions as specified herein.

~~Section~~ 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

~~Section~~ 3. The pressing public demand for legislation to modify certain features of the present law governing fresh water supply districts creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read in each House on three several days be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

BILL ANALYSIS

Purpose of the Bill:

This bill would allow the Texas Water Rights Commission to investigate and report on the feasibility of projects proposed by fresh water supply districts, and to seek to enjoin the project if it is found to not comply with approved plans.

Section by Section Analysis:

Section 1 provides for investigation and reporting by the TWRC on proposed projects of fresh water supply districts which issue bonds; providing for notification of district if project is not approved; empowers the TWRC to continue inspecting the project during construction and to seek to enjoin the project if it is not up to the approved standards.

Section 2 provides for severability.

Section 3 declares an emergency.

FORM A

(For favorable and unfavorable reports on bills and resolutions, where no committee amendments are recommended.)

COMMITTEE REPORT

Date 5-6-69

HON. G. F. (GUS) MUTSCHER

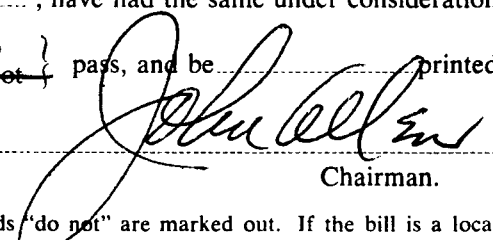
Speaker of the House of Representatives.

Sir:

We, your Committee on CONF REC, to whom was

referred HB No. 1139, have had the same under consideration

and beg to report back with recommendation that it do ~~do not~~ pass, and be do printed


Chairman.

(When this form is used for a favorable report on a general bill the words "do not" are marked out. If the bill is a local bill the word "not" should be inserted before the word "printed." When used for an unfavorable report the word "do" is marked out, the comma after "pass" is changed to a period, and the remaining words also marked out.

When this form is used for a simple or concurrent resolution the comma after "pass" should be changed to a period and the remaining words stricken out because resolutions are printed in the Journal when first introduced.)

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Austin, Texas

May 20, 1969

Hon. Ben Barnes
President of the Senate

Sir:

We, your Committee on Water and Conservation,
to which was referred H. B. No. 1139, have had the same
under consideration, and I am instructed to report it back to
the Senate with the recommendation that it do _____
pass _____ and be _____ printed.



Chairman Creighton

ENROLLED

H.B. No. 1139

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Lieutenant Governor

Speaker of the House

I hereby certify that H.B. No. 1139 was passed by the House on May 16, 1969, by a non-record vote.

Chief Clerk of the House

H.B. No. 1139

I hereby certify that H.B. No. 1139 was passed by the Senate
on May 22, 1969, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED:

6-10-69

Date

Signed

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:00 PM O'CLOCK

JUN 12 1969

.....
Secretary of State

C H.B. 1139 By Wurray

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AN ACT

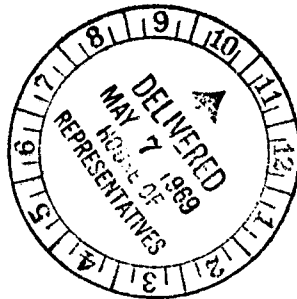
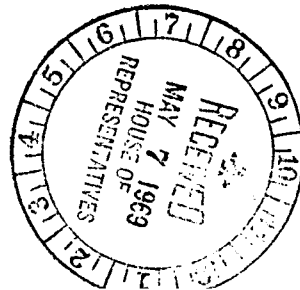
requiring the Texas Water Rights Commission or its designated agents to investigate the feasibility of fresh water supply district projects financed by bond issues; containing a severability clause; and declaring an emergency.

FILED MAR 14 1969

READ 1st TIME
AND REFERRED TO COMMITTEE ON
Cricket + Education

Dorothy Hallman
Chief Clerk, House of Representatives

MAY 6 1969 REPORTED FAVORABLY SENT TO PRINTER



MAY 16 1969

Motion to suspend all necessary rules to consider, prevailed by non-record vote

Dorothy Hallman
Chief Clerk, House of Representatives

MAY 16 1969 READ SECOND

TIME _____ AND

ORDERED _____ ENGROSSED _____

Dorothy Hallman
Chief Clerk, House of Representatives

MAY 16 1969

Read third time

and Passed

by following vote yeas non-record

Dorothy Hallman
Chief Clerk
HOUSE OF REPRESENTATIVES

MAY 16 1969

WHICH H B 1139 MOTION TO RECONSIDER THE VOTE BY
ADOPTED / PASSED AND TO TABLE THE MOTION TO RECONSIDER PREVAILED PASSED BY A non-record vote
Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

MAY 16 1969 SENT TO ENGROSSING CLERK

PRINTED, DISTRIBUTED AND

REFERRED TO COMMITTEE ON

RULES 10:30 A M, MAY 7 1969
(Time) (Date)

By: Murray

H.B. No. 1139 C

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3-14-69 Filed. _____
3-20-69 Read first time and referred to Committee on Conservation and Reclamation. _____
5-6-69 Reported favorably, sent to printer. _____
5-7-69 Printed, distributed and referred to Committee on Rules at 10:30 a.m. _____
5-16-69 Read second time and ordered engrossed by a non-record vote. _____
5-16-69 Motion to suspend all necessary rules to consider, prevailed by a non-record vote. _____
5-16-69 Read third time and passed by a non-record vote. _____

Dorothy Hallman
Chief Clerk, H. of R.

5-16-69 Sent to Engrossing Clerk. _____
5-16-69 Engrossed. _____

Clea Supp
Engrossing Clerk, H. of R.

MAY 10 1969

RETURNED FROM ENGROSSING SENT TO THE SENATE

MAY 19 1969 Received from the House
MAY 20 1969 Read, referred to Committee on Water and Conservation
MAY 20 1969 Reported favorably. _____

_____ Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

MAY 20 1969 Ordered not printed. _____

_____ Regular order of business suspended by

(unanimous consent.

(_____ yeas, _____ nays.

_____ To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 22 1969 Read second time and _____ passed to third reading.

_____ Caption ordered amended to conform to body of bill.

MAY 22 1969 Senate and Constitutional 3-Day Rules suspended by vote of
31 yeas, 0 nays to place bill on third reading and final passage.

MAY 22 1969 Read third time and passed by (a ~~viva-voce~~ vote.
31 yeas, 0 nays.

OTHER ACTION:

Charles Schabel
Secretary of the Senate

MAY 22 1969
RETURNED FROM SENATE

MAY 22 1969
_____ Returned to HOUSE

Dusty Hallman
Chief Clerk, House of Representatives

MAY 22 1969 SENT TO ENROLLING CLERK